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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,500	12/17/2001	Michael R. Nowak	P/73-7	4401
7590	06/17/2004			
Philip M. Weiss WEISS & WEISS 310 OLD COUNTRY ROAD SUITE 201 GARDEN CITY, NY 11530			EXAMINER NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 06/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,500	Applicant(s) NOWAK ET AL.	
	Examiner D. S. Nakarani	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-9, 12, 13, 16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2, 10, 11, 14, 15, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 3-9, 12, 13, 16 and 17 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Paper No. 2.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 10, 11, 14, 15, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 1-2, the phrase "further comprising; low density polyethylene resins" renders claim indefinite and confusing because claim 2 depends from claim 1 which requires a layer of a copolymer and/or terpolymer resins. The phrase "copolymer and/ or terpolymer resins" means more than one copolymer and/or terpolymer resins are present in a layer. In claim 2 the terminology "low density polyethylene resins" is a generic terminology and is inclusive by the terminology copolymer and/or terpolymer resins". The rejection may overcome by changing phrases "copolymer and/or terpolymer resins" to the phrases -- copolymer and/ as terpolymer resin -- in claim 1 and changing phrase "further comprising; low density polyethylene resins" to the phrase -- wherein copolymer and/or terpolymer resin layer further contains low density polyethylene --.

Claim 10, lines 3-4; claim 14, line 4; and claim 18, line 4, the phrase "copolymer or terpolymer" renders claims indefinite. Copolymer or terpolymer of what? Specifying type of copolymer or terpolymer may overcome the rejection.

4. Claims 10, 11, 14, 15, 18 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kittrell et al (U.S. Patent 5,196,269) with, as an evidence, Eichbauer (U.S. patent 5,922,441) for the reasons of record set forth in paragraph 12 of the Office Action mailed July 02, 2003. In addition the limitation "to form a ream wrapper" bears no patentable weight since the ream wrapper is not formed. Further there is no structure of ream wrapper specified. Therefore the invention as claimed is considered as a coated paper.

5. Claim 1 is allowed because the art of record does not teach or suggest paper coated with a coating of more than one copolymer and/or terpolymer resin of ethylene with butene, hexene, and/or octene.

6. Applicant's arguments filed on March 18, 2004 have been fully considered but they are not persuasive. In reference to rejection of claim under 35 U.S.C. § 102 (b) as being anticipated by Kittrell et al (U.S. Patent 5,196,269) with, as an evidence, Eichbauer (U.S. Patent 5,922,441) applicants mainly argue that Kittrell et al. teach paper or paperboard substrate coated thereon two layers, one consisting of an external the amended claims 1 and 2 consist essentially of a single layer and exclude the essential skin layer. Applicants further state that there is no teaching to combine Kittrell et al with Eichbauer.

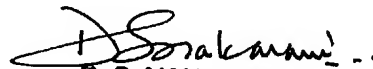
These arguments are unpersuasive because Eichbauer reference is only used to show the composition of liners low-density polyethylene disclosed by Kittrell et al. Kittrell et al is not combined with Eichbauer to reject claims. Amended claim 1 over comes the rejection and is allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday thru Fridays from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Paul J. Thibodeau can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nakarani/LR
June 10, 2004


D. S. NAKARANI
PRIMARY EXAMINER